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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: LEON BENHAMOU

SERIAL NO.: 10/695,952   GROUP ART UNIT: 2155

FILED: October 30, 2003   EXAMINER: V. A. Korobov

FOR: METHOD AND APPARATUS FOR SECURING   ATTY. REFERENCE: BENH3001/BEU
NETWORK MANAGEMENT COMMUNICATIONS

COMMISSIONER OF PATENTS
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Sir:

The below identified communication(s) or document(s) is(are) submitted in the above application or proceeding:

☐ Declaration   ☐ Issue Fee

☐ Priority Document   ☐ Check

☐ Formal Drawings   ☒ Petition for Extension of Time (2 months)

                                           ☒ Second Substitute Brief on Appeal (in triplicate)

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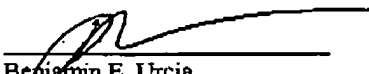(PRINT) *T. Holmes*
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DATE: _____September 9, 2008_____

Respectfully submitted,

[signature]

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PAGE 1/47 * RCVD AT 9/9/2008 5:23:31 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-4/19 * DNIS:2738300 * CSID:7036831080 * DURATION (mm-ss):23-28

Serial No. 10/695,952 . . . . Page 9

(vi). Grounds of Rejection to be Reviewed on Appeal

Ground No. 1

The rejection of claims 1, 2, 4-10 and 12-12 under 35 U.S.C.

102(e) as being anticipated by Andrews (US 6,697,845)

(hereinafter Andrews).

Ground No. 2

The rejection of claims 3 and 11 under 35 U.S.C. 103(a) as being

unpatentable over Andrews.

(vii). Argument

As to Ground No. 1

It is respectfully suggested that the rejection of claims 1,

2, 4-10 and 12-18 under 35 U.S.C. §102(e) as being anticipated by

Andrews 6,697,845) is clearly erroneous.

In his Background of Invention, Andrews states:

> Several shortcomings and deficiencies exist in the conventional solutions to provide support of multiple SNMP agents in a single element. For example, it is required that the SNMP manager be aware that it is communicating with multiple processing entities, i.e., agents, associated with the managed element. Further, the manager may have to switch between community strings based on what it needs to retrieve. Also, the manager has to be re-configured each time when it switches between two community strings or between two independent, non-community agents. Thus, the purpose of managing the element as a single managed node is thwarted because the manager does not "see" the node as single platform, rather as a partitioned collection of agents.
>
> Additionally, conventional community string-based multi-agent solutions do not easily adapt to the Agent Extensibility (AgentX) standard which allows for multiple subagents to be registered with a common master agent that is seen as a single SNMP entity by the manager.

Serial No. 10/695,952 . . . . Page 10

These are the shortcomings that Andrews sought to solve.

Furthermore, in his Summary of the Invention, column 2,

lines 36-48, Andrews states:

> An SNMP master agent and one or more subagents are
> provided for managing the node, which use the AgentX
> protocol for communication therebetween. At least a
> portion of a Management Information Base (MIB)
> associated with the management functionality of the
> managed node is supported by an SNMP peer agent that is
> proxied via an AgentX subagent (PSA). The PSA
> registers the MIB portion with the SNMP master agent
> via an AgentX registration message. When an SNMP
> manager sends an SNMP management request to the SNMP
> master agent, the SNMP master agent parses the SNMP
> management request into one or more AgentX protocol
> messages depending upon the subagents involved.
> [Emphasis added.]

Appellant's claim 1 recites:

> ...embedding a first legacy network management message
> within a first Simple Network Management Protocol
> (SNMP) message at a first network element;
>
>   transmitting the first SNMP message over the
> network to a second network element; and
>
>   extracting the first legacy network management
> message from the first SNMP message at the second
> network element.

It can be seen therefore that this is the exact opposite of the

Andrews patent. Andrews is using an AgentX to transport SNMP

management information, and appellant's invention is concerned

with using SNMP management to transport AgentX. The "wrapper"

reference referred to by the Examiner (column 4, line 31) does

not change this fundamental difference. Note the claim language

reads: "embedding a first legacy network management message

within a first Simple Network Management Protocol (SNMP)

Serial No. 10/695,952 . . . . Page 11

message...." Clearly, Andrews uses AgentX protocol for

communication.

The Examiner seeks to modify the express disclosure of

Andrews by referring to "RFC2741-agent extensibility (AgentX)

protocol version 1" at page 10 of the Final Rejection.

Appellant's claims deal with legacy network management

messages embedded in a first simple SNMP message. The RFC2741

protocol does not refer to legacy network management messages.

In appellant's claim 9, the language reads:

> a Simple Network Management Protocol (SNMP)
> initiator at the management station for embedding the
> first legacy network management message within a first
> SNMP message and for transmitting the first SNMP
> message to the node....

Again, this language distinguishes from Andrews in that it

denotes the opposite of the Andrews situation.

In appellant's claim 13, the operative language is:

> instructions for embedding the legacy network
> management message within an SNMP message...

and this is not taught or suggested by Andrews. In fact, the

opposite is taught.

In appellant's claim 15, note the language reading:

> instructions for extracting a first legacy network
> management message from the first SNMP message, the
> first legacy network management message conforming to a
> legacy network management protocol....

Clearly, this is not the case with Andrews.

In view of the above, further and favorable reconsideration

is respectfully requested.

Serial No. 10/695,952 . . . . Page 12

As to Ground No. 2

The rejection of claims 3 and 11 under 35 U.S.C. 103(a) as being unpatentable over Andrews is clearly in error.

Claim 3 depends from claim 1, and claim 11 depends from claim 9 and are patentable for the reason given above.

CONCLUSION

In view of the above, the Examiner clearly erred in rejecting claims 1 - 18 and should be reversed.

Respectfully submitted,

Benjamin E. Urcia, Reg. No. 33,805
Attorney for Appellant

Attachment: CLAIMS APPENDIX
               EVIDENCE APPENDIX

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Date: November 13, 2006

In the event this paper is deemed not timely filed, the applicant hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 26-0090 along with any other additional fees which may be required with respect to this paper.

(viii) CLAIMS APPENDIX

1.   A method of providing secure network management communications within a communication network, the communication network including a plurality of network elements each adapted to generate and process legacy network management messages in conformance with a legacy management system, the method comprising the steps of:

embedding a first legacy network management message within a first Simple Network Management Protocol (SNMP) message at a first network element;

transmitting the first SNMP message over the network to a second network element; and

extracting the first legacy network management message from the first SNMP message at the second network element.

2.   The method of claim 1 wherein the step of transmitting the first SNMP message comprises transmitting the first SNMP message in conformance with a secure version of SNMP.

3.   The method of claim 2 wherein the step of transmitting the first SNMP message comprises transmitting the first SNMP message in conformance with SNMP version 3 (SNMPv3).

4.   The method of claim 1 wherein the legacy management system provides less security than SNMP.

5.   The method of claim 1 comprising the further steps of:

generating the first legacy network management message at the first network element; and

processing the first legacy network management message at the second network element.

CLAIMS APPENDIX - Page 1 of 4
Serial No. 10/695,951

6.   The method of claim 5 comprising the further steps of:
      generating a second legacy network management message at the
second network element in response to the first legacy network
management message;
      embedding the second legacy network management message
within a second SNMP message at the second network element;
      transmitting the second SNMP message over the network to the
first network element; and
      extracting the second legacy network management message from
the second SNMP message at the first network element.

7.   The method of claim 1 wherein the first network element is a
management station, and wherein the second network element is a
node.

8.   The method of claim 1 wherein the first network element is a
node, and wherein the second network element is a management
station.

9.   A network management system within a communication network,
the communication network including a management station and a
node, comprising:
      a legacy interface at the management station for generating
a first legacy network management message in conformance with a
legacy network management protocol;
      a Simple Network Management Protocol (SNMP) initiator at the
management station for embedding the first legacy network
management message within a first SNMP message and for
transmitting the first SNMP message to the node;
      an SNMP agent at the node for receiving the first SNMP
message and for extracting the first legacy network management
message from the first SNMP message; and

a legacy agent at the node for processing the legacy network
management message in conformance with the legacy network
management protocol.

10. The system of claim 9 wherein the SNMP initiator is adapted
to transmit the first SNMP message in conformance with a secure
version of SNMP.

11. The system of claim 10 wherein the SNMP initiator is adapted
to transmit the first SNMP message in conformance with SNMP
version 3 (SNMPv3).

12. The system of claim 9 wherein the legacy network management
protocol provides less security than SNMP.

13. A Simple Network Management Protocol (SNMP) initiator at a
management station within a communication network, comprising:
        instructions for receiving a legacy network management
message which conforms to a legacy network management protocol;
        instructions for embedding the legacy network management
message within an SNMP message; and
        instructions for transmitting the SNMP message to a node
within the communication network.

14. The SNMP initiator of claim 13 wherein the legacy network
management protocol provides less security than SNMP.

15. A Simple Network Management Protocol (SNMP) agent at a node
within a communication network, comprising:
        instructions for receiving a first SNMP message from a
management station within a communication network;
        instructions for extracting a first legacy network
management message from the first SNMP message, the first legacy

network management message conforming to a legacy network
management protocol; and
  instructions for sending the first legacy network management
message to a legacy agent at the node.

16. The SNMP agent of claim 15 wherein the legacy network
management protocol provides less security than SNMP.

17. The SNMP agent of claim 15 further comprising:
  instructions for receiving a second legacy network
management message from the legacy agent;
  instructions for embedding the second legacy network
management message within a second SNMP message; and
  instructions for transmitting the second SNMP message to the
management station.

18. The SNMP agent of claim 17 wherein the legacy network
management protocol provides less security than SNMP.

(ix). **EVIDENCE APPENDIX**

None.

Serial No. 10/695,952

(x). RELATED PROCEEDINGS APPENDIX

There are no proceedings as mentioned in section (i) above, and accordingly no decisions rendered.

Serial No. 10/695,952